

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TYRONE R. JOHNSON,	:	Case No. 1:18-cv-43
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
MICHAEL HUMPHREY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 7)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on March 5, 2018, submitted a Report and Recommendation. (Doc. 7). Plaintiff filed objections on March 15, 2018 (Doc. 8).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its


¹ Plaintiff's objections are not well-taken. The Report and Recommendation recommended dismissal of several of Plaintiff's claims, either because there were not adequate factual allegations to support a claim or because there was no legal basis for a claim. Plaintiff's objections contain no new factual allegations that would lead this Court to decline to adopt the Report and Recommendation. Plaintiff also does not address the legal deficiencies of certain claims, including the fact that Plaintiff has improperly attempted to sue several supervisory personnel under a *respondeat superior* theory that does not apply in § 1983 lawsuits.

entirety.

Accordingly, **IT IS ORDERED** that Plaintiff's complaint (Doc. 1-1) is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), with the exception of plaintiff's Eighth Amendment individual capacity conditions-of-confinement claim asserted against Defendant Eaches and Eighth Amendment individual capacity excessive-force claim asserted against Defendants McCroskey, Bell, and Rodgers.

IT IS SO ORDERED.

Date: March 29, 2018



Timothy S. Black
United States District Judge